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to clean it while in motion, requiring a finding for defendant. The court instructed that if plaintiff was told by his foreman not to clean the machinery while in motion, but attempted to clean it while in action, in disobedience of such instruction, he would not be entitled to recover, and the jury must find for defendant. Held, that the requested charge was substantially covered by the one given so as to be properly refused.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 651-659; Dec. Dig. § 260.\* 7 Va.-W. Va. Enc. Dig. 742; 9 Va.-W. Va. Enc. Dig. 714.]

Error to Circuit Court, Alleghany County.

Action by D. Showalter against the United States Leather Company. Judgment for plaintiff, and defendant brings error. Affirmed.

*P. H. C. Cabell*, for plaintiff in error.

*John T. Delaney* and *Geo. A. Revercomb*, for defendant in error.

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LOVELL et al. v. JAMISON et al.

June 13, 1912.

[75 S. E. 80.]

**Taxation (§ 810\*)—Tax Sale—Identity of Land.**—Evidence held to warrant a finding that land covered by a tax deed had been sold for taxes and purchased by the state before it had been conveyed by the county clerk to defendant under an application and proceedings to purchase the same as tax lands.

[Ed. Note.—For other cases, see Taxation, Cent. Dig. §§ 1665-1608; Dec. Dig. § 810.\* 13 Va.-W. Va. Enc. Dig. 133.]

Appeal from Circuit Court, Franklin County.

Suit by Lucy Lovell and others against P. M. Jamison and others to remove a cloud on title. From a decree dismissing the bill, plaintiffs appeal. Affirmed.

*Dillard & Lee*, for appellants.

*L. W. Anderson*, for appellees.

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VIRGINIA BEACH DEVELOPMENT CO. v. MURRAY.

June 13, 1912.

[75 S. E. 81.]

1. Courts (§ 66\*)—Terms—Adjournment—Validity.—Under Code

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

1904, § 3059, as amended by Acts 1910, c. 107, authorizing the continuance of any term of the circuit court by adjournment, but providing that no term shall be continued beyond the day fixed for the beginning of the next regular term, an order of the circuit court adjourning a term until after the beginning of the next term is a nullity, though made under the erroneous belief that a prior order omitting such next term was in force, while it was superseded by act of 1910, fixing the terms of court.

[Ed. Note.—For other cases, see Courts, Cent. Dig. §§ 231-242; Dec. Dig. § 66.\* 3 Va.-W. Va. Enc. Dig. 705.]

**2. Exceptions, Bill of (§ 41\*)—Time of Signing—Statutes.**—Where the circuit court at the July term rendered final judgment on September 8th, and entered on the same day an order adjourning the term to the date fixed by statute for the next term, the July term must be deemed to have ended on September 8th, and a bill of exceptions not signed until October 17th was not signed within 30 days, as required by Code 1904, § 3285, as amended by Acts 1908, c. 225, and it is no part of the record on appeal.

[Ed. Note.—For other cases, see Exceptions, Bill of, Cent. Dig. §§ 65-71; Dec. Dig. § 41.\* 5 Va.-W. Va. Enc. Dig. 387.]

Error to Circuit Court, Princess Anne County.

Action between the Virginia Beach Development Company and A. E. Murray. There was a judgment for the latter, and the former brings error. Affirmed.

*Theo. A. Williams and Geo. A. Frick*, for plaintiff in error.  
*J. Edward Cole and L. D. Yarrell*, for defendant in error.

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W. W. V. CO., Inc. *v.* BLACK.

June 13, 1912.

[75 S. E. 82.]

**1. Pleading (§ 193\*)—Misjoinder of Actions—Manner of Raising Question.**—The proper method of raising a question of misjoinder of actions is by a demurrer to the whole declaration containing separate counts.

[Ed. Note.—For other cases, see Pleading, Cent. Dig. §§ 425, 428-435, 437-443; Dec. Dig. § 193.\* 1 Va.-W. Va. Enc. Dig. 141.]

**2. Theaters and Shows (§ 4\*)—Ticket of Admission—Breach of Contract—Remedy.**—An action of tort will not lie against the proprietor of a theater for not performing his contract, evidenced by a ticket of admission, or continuing his license of admission; but a

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.